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PUBLIC.RESOURCE.ORG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PUBLIC.RESOURCE.ORG,

Plaintiff,

v.

SHEET METAL AND AIR CONDITIONING
CONTRACTORS' NATIONAL
ASSOCIATION, INC.,

Defendant.

Case No.: 3:13-cv-00815 SC

**STIPULATION AND [PROPOSED]
JUDGMENT**

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Dated: July 8, 2013

Attorneys for Plaintiff
PUBLIC.RESOURCE.ORG, INC.

Dated: July 8, 2013

Attorneys for Defendant
SHEET METAL AND AIR CONDITIONING
CONTRACTORS' NATIONAL
ASSOCIATION, INC.

[PROPOSED] JUDGMENT

The Court hereby adjudges and decrees as follows:

1. Defendant Sheet Metal and Air Conditioning Contractors' National Association, Inc. ("SMACNA") shall not sue (i) Plaintiff Public.Resource.Org ("Public Resource") or its personnel, successors, or affiliates; or (ii) any person or entity that has obtained or will obtain any portion of the Publications through means that in any way involved or involves Public Resource or its personnel, successors, or affiliates; for any conduct relating to the following documents:

(a) SMACNA Publication Fibrous Glass Duct Construction Standards (RS-36) 1992 Edition;

(b) SMACNA Publication Energy Recovery Equipment and Systems, Air-to-Air 1978 Edition;

(c) SMACNA Publication HVAC Air Duct Leakage Test Manual (RS-35) 1985 Edition; and

(d) SMACNA Publication HVAC Duct Construction Standards -- Metal and Flexible (RS-34) 1995 Edition;

2. Defendant SMACNA shall not make any future assertion or representation that it claims any copyright interest in the following documents:

(a) SMACNA Publication Fibrous Glass Duct Construction Standards (RS-36) 1992 Edition;

(b) SMACNA Publication Energy Recovery Equipment and Systems, Air-to-Air 1978 Edition;

(c) SMACNA Publication HVAC Air Duct Leakage Test Manual (RS-35) 1985 Edition; and

(d) SMACNA Publication HVAC Duct Construction Standards -- Metal and Flexible (RS-34) 1995 Edition;

3. The obligations of Defendant SMACNA shall bind SMACNA's successors in interest;

4. Public Resource shall not sue SMACNA or its personnel, successors, or affiliates for any cause of action related to any manual, standard, document, or material SMACNA claims or has claimed a copyright in, for a period of two (2) years, unless SMACNA or an assignee of SMACNA sues PRO or an agent or affiliate of PRO;

1 5. Pursuant to a settlement between the parties, Defendant SMACNA agreed to pay,
2 and shall pay, Plaintiff Public Resource the sum of one dollar;

3 6. The parties shall otherwise bear their own respective fees and costs associated with
4 this action and dispute.

5 7. This Court shall retain jurisdiction to enforce the July 3, 2013, Settlement
6 Agreement between the parties.

7
8 THE COURT SO ORDERS, this ____ day of July, 2013.

9
10 Dated: _____

Honorable Samuel Conti
United States District Judge

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

ATTESTATION

I, Andrew P. Bridges, am the ECF User whose identification and password are being used to file this **STIPULATION AND [PROPOSED] FORM OF JUDGMENT AND ORDER**. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

Dated: July 8, 2013

/s/ Andrew P. Bridges
Andrew P. Bridges

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW